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Lieutenant Governor

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*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

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Gloriann Moroney  
Chair

Kevin Keefe  
Executive Director

**DECISION**

**IN THE MATTER OF**

**CALVIN GRAY**

**W44270**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** April 30, 2019

**DATE OF DECISION:** November 3, 2020

**PARTICIPATING BOARD MEMBERS:** Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of offense, criminal record, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by unanimous vote that the inmate is a suitable candidate for parole.<sup>1</sup> Parole is granted to the Farren Care Center with special conditions.

**I. STATEMENT OF THE CASE**

On December 4, 1987, in Middlesex Superior Court, Calvin Gray pleaded guilty to the second-degree murder of Richard Kelly and was sentenced to life in prison with the possibility of parole. Mr. Gray also pleaded guilty to two counts of assault with intent to murder, for which he received 8 to 10 years, and one count of illegal possession of a firearm, for which he received 3 to 5 years. Both sentences were to run concurrently with his life sentence.

On September 16, 1986, Everett police responded to a report of a shooting at an apartment complex located at 355 Broadway. After a disagreement with his neighbors about the volume of the television in his apartment, Calvin Gray retrieved a .32 caliber gun he kept in a drawer and shot Richard Kelly in the chest, killing him. Mr. Gray then followed another neighbor who complained and shot at him. Mr. Gray saw a woman in an apartment, took aim,

<sup>1</sup> Board Member McCarthy abstained, as she was not a Board Member at the time of hearing.

and shot at her, as well. One of the victims was able to call police. Mr. Gray confessed at the police station.

## **II. PAROLE HEARING ON APRIL 30, 2019**

Calvin Gray, now 59-years-old, appeared before the Parole Board for a review hearing on April 30, 2019, and was represented by Attorney Brian Kelly. Mr. Gray was denied parole after his initial hearing in 2001, and after his review hearings in 2006, 2011, and 2017. In Attorney Kelly's opening statement, he informed the Board that a significant amount of time has been spent in researching DMH (Department of Mental Health) services, should Mr. Gray be granted parole. Attorney Kelly told the Board that Mr. Gray is aware of his parole plan and understands the consequences if he were not compliant. In Mr. Gray's opening statement to the Board, he apologized to the victim, as well as the victim's family, and took full responsibility for the crime. Further, Mr. Gray stated that is medication compliant and participates in all required programs and groups. He has been "working hard" and has "improved" himself.

At the time of the governing offense, the Board noted that Mr. Gray had recently been discharged from the military. He was likely suffering from schizophrenia symptoms, but he had not been diagnosed at the time. Mr. Gray indicated to the Board that he was upset and fearful when the altercation ensued with Mr. Kelly over the volume of his television. He expressed his sorrow for the crime and indicated to the Board that he does not pose a threat to society. The Board discussed, at length, concerns over Mr. Gray's significant mental health impairments, including a primary diagnosis of schizophrenia, chronic paranoid type. As such, Mr. Gray is currently in the Residential Treatment Unit (RTU) and is required to attend 10 mental health therapy groups a week. Mr. Gray indicated that he has been going to his groups and has become an active participant, which was not always the case in the past.

Upon questioning, Mr. Gray acknowledged and presented a sufficient understanding of his diagnosis, while also recognizing the importance of remaining medication compliant. The Board, however, raised concerns pertaining to his problematic history with medication. It was noted that, throughout his incarceration, Mr. Gray has been on different regimens for his mental health. As a result, he suffered significant side effects and would stop taking his prescribed medications. At this hearing, Mr. Gray indicated that he has been on the right medication for many years. He no longer receives "messages" and has been able to control his paranoid and nervous thoughts. Mr. Gray told the Board that his medicine "calms him down" and "controls his stress." Board Members noted that Mr. Gray is not permitted to keep medicine on his person. As such, nurses are required to give him medication daily. When asked what would happen if he stopped taking his medication, Mr. Gray stated that it "would be very bad; that it would be terrible." Mr. Gray indicated that he is learning "very slowly" to remain calm and control his actions. When asked for an example, he explained that taking a shower in the morning is very important to him. If he is unable to do so, he now "continues on with his day" instead of getting upset. Mr. Gray reassured the Board that he is "learning every day" to deal with stress, which is his biggest trigger.

The Board acknowledged Mr. Gray's overall positive adjustment. In addition to being medication compliant, Mr. Gray has remained disciplinary report free for approximately seven years and has made significant improvements in his social skills and behavior. It has been reported that Mr. Gray is more outgoing and active within his groups, and even attends additional groups that are not required. Further, he has made friends both within his unit and

in general population. Mr. Gray told the Board that he has friends who help him write letters to his family. If paroled, Mr. Gray has been accepted to receive DMH services. Attorney Kelly stated that Mr. Gray has "no objection" to whatever transition the Board deems necessary. He also acknowledged that Mr. Gray fully understands the rules of his supervision, as well as the consequences of not complying with those rules.

The Board considered oral testimony of Assistant District Attorney, Carrie Spiros, and a letter in opposition to parole from Assistant District Attorney Adrienne Lynch, from the Middlesex County District Attorney's Office.

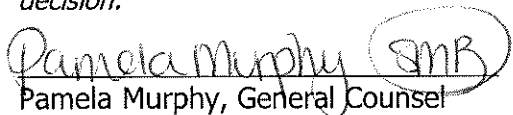
### **III. DECISION**

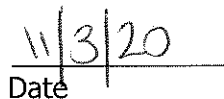
Mr. Gray is currently 59-years-old. Mr. Gray has served approximately 34 years for the murder of Richard Kelly. Since his last hearing, Mr. Gray continues to remain compliant with his mental health case plan and medication regimen. He also has maintained a positive deportment. The Board is of the opinion that Mr. Gray has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. His suitability for parole supervision is contingent on his placement at the Farren Care Center. There, the staff will be able to meet his medical and mental health needs. He understands that he needs to remain compliant with his case plan to maintain stability.

The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Gray's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Gray's risk of recidivism. After applying this standard to the circumstances of Mr. Gray's case, the Board is of the opinion that Calvin Gray merits parole at this time. Parole is granted to the Farren Care Center with special conditions.

**SPECIAL CONDITIONS:** Waive work for Farren Care Center; Electronic monitoring at PO's discretion; Must take prescribed medication; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim's family; Must have mental health counseling for adherence to case plan; Long-term residential treatment - Farren Care Center; Mandatory - must comply with all treatment recommendations.

*I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. Pursuant to G.L. c. 127, § 130, I further certify that all voting Board Members have reviewed the applicant's entire criminal record. This signature does not indicate authorship of the decision.*

  
Pamela Murphy, General Counsel

  
Date